

**REMARKS**

Favorable reconsideration and allowance of this application are requested.

By way of the amendment instructions above, independent claim 1 has been revised so as to include therein the subject matter of original claim 12. As such claim 12 has been cancelled as redundant.

In addition, claims 25-35 and 28-39 have been cancelled as being directed to patentably distinct inventions non-elected for prosecution in the subject application. Cancellation of such non-elected claims has, however, been effected without prejudice to the applicants' rights under 35 USC §121.

So that applicants may be deemed fully responsive to the Official Action of May 4, 2005, the undersigned hereby confirms the prior verbal election of claim Group I (i.e., claims 1-24 and 36-37) and Species I (i.e., a pH adjuster being an aqueous mineral acid).

Accordingly, following entry of this amendment, claims 1-11, 13-24 and 36-37 will remain pending herein for consideration. As will become evident from the following discussion, all such pending claims are in condition for allowance.

**I. Response to 35 USC §112 Issues**

It is believed that the issues raised by the Examiner under 35 USC §112, second paragraph have now been mooted by virtue of the amendment to claim 1 so as to include the solvent definition provided by prior claim 12. Thus, claim 1 is now unquestionably definite since the "high-boiling aprotic solvent" has been clarified to include N-methyl pyrrolidone, N-hydroxyethyl pyrrolidone, N-cyclohexyl pyrrolidone, N-ethyl pyrrolidone, 1,5-dimethyl piperidone, 1,3-dimethyl piperidone, and 1,3-dimethyl-2-imidazolidinone and mixtures thereof.

The other informality issues raised by the Examiner under this statutory paragraph are also believed to be mooted by virtue of the amendments advanced with respect to the affected claims.

Hence, withdrawal of the rejection under 35 USC §112, second paragraph is believed to be in order.

**II. Response to Issues Raised Under 35 USC §§102(b), 102(e) and 103(a)**

**A. Response to Issues Based on Wiedeman (USP 6,660,100)**

Attached hereto is a Rule 131 Declaration which establishes an invention date of the present invention which is prior to the effective date under 35 USC §102(e) of the Wiedeman '100 patent – namely, prior to October 23, 2001.<sup>1</sup> Thus, Wiedeman '100 is inappropriate as a reference against the subject invention. Withdrawal of the rejections in paragraphs 10, 16, 18 and 19 are in order.

**B. Response to Issues Based on Leon (USP 3,338,756)**

The Examiner has advanced various rejections based on Leon et al. In this regard, it is noted that the rejection based on Leon et al under 35 USC §102(b) is mooted by the inclusion of the subject matter of original claim 12 in the amended version of claim. Moreover, since Leon et al fails to disclose or suggest employing a "high-boiling aprotic solvent" of N-methyl pyrrolidone, N-hydroxyethyl pyrrolidone, N-cyclohexyl pyrrolidone, N-ethyl pyrrolidone, 1,5-dimethyl piperidone, 1,3-dimethyl piperidone, and 1,3-dimethyl-2-imidazolidinone and mixtures thereof, the rejection

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<sup>1</sup> The Examiner will note that a Petition to accord Rule 47 status to this application due to the apparent constructive refusal of one of the joint inventors – namely, Lawrence E. James – to execute the Rule 131 Declaration has been concurrently filed herewith. Thus, with the granting of the Petition, the evidence provided by the Rule 131 Declaration will remove Weideman '100 as a reference against the subject application.

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advanced against claims 20-23 in paragraph 17 of the subject official action is likewise moot.

### **III. Conclusion**

Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the submitted amendments, remarks and attachments, applicants suggest that this application is in condition for prompt allowance, and Official Notice to that effect is solicited.

Respectfully submitted,

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